

technology, one to represent a local emergency planning committee, one to represent the Iowa hazardous materials task force, and one to represent the office of the governor. ~~Two~~ Three representatives from private industry shall also be appointed by the governor, subject to confirmation by the senate.

b. The commission members representing the departments of workforce development, natural resources, public defense, public safety, and transportation, and one private industry representative designated by the commission shall be voting members of the commission. The remaining members of the commission shall serve as nonvoting, advisory members.

Approved March 30, 2000

CHAPTER 1021

REGULATION OF PHYSICAL EXERCISE CLUBS AND SOCIAL REFERRAL SERVICES

S.F. 2372

AN ACT relating to certain providers of consumer services by eliminating the registration requirement for physical exercise clubs, making social referral service providers subject to provisions relating to door-to-door sales, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 552.14, subsection 2, paragraph a, Code 1999, is amended by striking the paragraph.

Sec. 2. Section 552.16, subsection 2, Code 1999, is amended to read as follows:

2. If the physical exercise club does not fully open for business before the two hundred eleventh day after the date it enters into the first physical exercise club contract or if the club does not remain fully open for thirty days, the buyers whose payments are held in escrow under this section shall receive a full refund, including the buyer's pro rata share of any interest earned thereon, from the escrow agent. Refunds pursuant to this section shall be made not later than the two hundred forty-first day after the date the first physical exercise club contract was signed. If the escrow agent fails to make a full refund as provided for in this section, the attorney general shall hold a hearing and determine whether the physical exercise club has fully opened and has remained open for thirty days, and if not, determine those persons who, as buyers, are entitled to a refund and, if appropriate, distribute the escrow proceeds. Notice shall be provided to the physical exercise club at ~~its place of business as shown on its registration statement~~ the address specified in the contract pursuant to section 552.4 and to all buyers who have funds in the escrow account. All hearings held under this section shall be held in accordance with chapter 17A.

Sec. 3. Section 555A.1, subsections 3 and 4, Code 1999, are amended to read as follows:

3. a. "Door-to-door sale" means a sale, lease, or rental of consumer goods or services with a purchase price of twenty-five dollars or more, whether under single or multiple contracts, in which the seller or the seller's representative personally solicits the sale, including those in response to or following an invitation by the buyer, and the buyer's agreement or offer to purchase is made at a place other than the place of business of the seller. Door-to-door sale does not include a transaction:

~~a.~~ (1) Made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment having a fixed permanent location where the goods are exhibited or the services are offered for sale on a continuing basis.

b. (2) In which the consumer is accorded the right of rescission by the provisions of the Consumer Credit Protection Act, 15 U.S.C. § 1635, or rules issued pursuant to this chapter.

e. (3) In which the buyer has initiated the contact and the goods or services are needed to meet a bona fide immediate personal emergency of the buyer, and the buyer furnishes the seller with a separate dated and signed personal statement in the buyer's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale within three business days.

d. (4) Conducted and consummated entirely by mail or telephone; and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services.

e. (5) In which the buyer has initiated the contact and specifically requested the seller to visit the buyer's home for the purpose of repairing or performing maintenance upon the buyer's personal property. If in the course of such a visit, the seller sells the buyer the right to receive additional services or goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services would not fall within this exclusion.

f. (6) Pertaining to the sale or rental of real property, to the sale of insurance and prepaid health service plans, or to the sale of securities or commodities by a broker-dealer registered with the securities and exchange commission.

4. b. "Door-to-door sale", irrespective of the place or manner of sale, also means a the following:

(1) A sale of funeral services or funeral merchandise regulated under chapter 523A, irrespective of the place or manner of sale.

(2) A sale of a social referral service or an ancillary service. For purposes of this subparagraph, "social referral service" means a service for a fee providing matching or introduction of individuals for the purpose of dating, matrimony, or general social contact not otherwise prohibited by law, and "ancillary service" means goods or services directly or indirectly related to or to be provided in connection with a social referral service.

Sec. 4. Section 552.15, Code 1999, is repealed.

Approved March 30, 2000

CHAPTER 1022

CORPORATE REPORTING TO SECRETARY OF STATE

S.F. 2388

AN ACT relating to the filing of reports with the secretary of state by corporate entities.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 9H.9, subsection 2, Code 1999, is amended to read as follows:

2. The total number of hogs and the total number of cattle owned and fed more than thirty days by the processor during the preceding calendar year or fiscal year.

Sec. 2. NEW SECTION. 10B.4A SUSPENSION OF OTHER FILING REQUIREMENTS.

The secretary of state shall not prepare or distribute forms for reports or file reports otherwise required pursuant to section 9H.5A, 501.103, or 567.8. A person required to file a report pursuant to this chapter is not required to file a report under those sections.